GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Doddapramanada Prathamik Pattin Vyavasaya Sahakari Sangh Niyamit, Maranabid, Taluka Hangal, Dist. Dharwar.

Award of the Labour Court, Hubli.—Published.

Read the following papers: -

1. Letter No. 849/70-71, dated 24th December 1970 from Sri W. K. Kulkarni, Presiding Officer, Labour Court, Hubli.

BEFORE THE LABOUR COURT AT HUBLI.

Dated 23rd December 1970.

Reference ID) (LCH) Claim No. 13/1970.

Sri W. K. Kulkarni, B.A., (Hons) LLB., Presiding Officer.
Claimant:

Sri Guddappa Fakirappa Barki, P.O. Maranabid, Taluka: Hangal, Dist: Dharwar.
Respondent:

The management of Doddapramanada Pratham k Pattin Vyavasaya Sahakari Sangh Niyamit, Maranabid, Taluka: Hangal, Dist; Dharwar.

1. This is a reference made by the State Government U/s 10 1)(c) of the I D. Act 1947 which will be referred to, hereinafter as the Act. The following points of dispute are referred to this Court

(1) Are the Management of Doddapramanada Prathamic Pattin Vyavasaya Sahakari Sangh Niyam t, Mocranbid justified in terminating the services of Sri Guddappa Fakirappa Barki, Peon with effect from 2nd June 1969?

(2) If not, to what relief is the said workman entitled?

2. The facts leading to this dispute are as following:

3. The claimant Guddappa Fakirappa Barki, was working as a Peon for the last 20 years under the Respondent which is the Management of Doddapramanada Prathamic Pattin Vyavasaya Sahakari Sangh Niyamit, Maranabid. His services were terminated by the Respondent by issuing a notice with effect from 28 th May

1969. Thereafter the claimant approached the Labour Officer for conciliation. However the conciliation proceedings failed. On a report made by the Conciliation Officer, the State Government has made this reference.

4. After receipt of the reference the claimant has filed a claim statement in which he contends as following :

5. That he was loyal, obedient and sincere in his job. That there was no dispute what-so-ever between himself and the management. But the new chairman who was sworn in the office in 1967 started developing a prejudicial attitude towards the claimant. In 1968 there was Panchayat Election in the village and the chairman asked the claimant to canvass for his party, which the claimant declined. Bearing grudge on this account, the Chairman Dyamanna Badiger, pressed the claimant to resign. But he refused. So by the notice dated 2nd June 1969 the Chairman terminated the services of the claimant. A reply was given by the claimant stating that he was willing to work and he was illegally dismissed.

6, A copy of the claim statement was sent to the Respondent by me and I called upon the Respondent to file a counter. But the Respondent never appeared in this Court. He sent a written statement to this Court by Registered Post which I have marked as Ex. M-1. It is in Kannada. By this written statement the Respondent contended that the allegations of the claimant that he was attending office everyday was false. That it was duty of the Secretary and Managing Commitee to take work from the claimant. (It may be noted that the written statement has been filed by the Chairman) That the General Body of the Respondent by its Resolution dated 28th September 1969 dismissed the claimant. That the claimant was running his own grocery shop and he was not attending the office regularly. That local enquiry should be held in this behalf. That the behaviour of the claimant was arrogant.

7. Along with the written statement the Respondent sent two resolution of the General Body of the Society which I have marked as Ex. M-2 and M-3. By the Resolution Ex. M-2 the claimant was dismissed with retrospective effect. The Resolution is dated 28th September 1969. Ex. M-3 is another resolution dated 25th March 1970. It appears during the Conciliation, the Conciliation Officer asked the Respondent of the Management was willing to pay retrenchment compensation to the claimant. By the resolution Ex. M-3 the Society resolved that no retrenchment

compensation should be paid to the claimant nor should he be taken back to duty. Since the Respondent remained absent I had to proceed *Ex parte*. By the letter (written statement), Ex. M-1 the Respondent requested this Court to hold local enquiry. Thereafter I issued him a Registered notice saying that no local enquiry can be held and he should be appear with his evidence in this Court. This notice was served on the Respondent *vide* postal acknowledgment Ex. -A. None the less the Respondent did not appear in this Court. It was easy for Respondent to appear in this Court and lead his evidence because the worker himself led his evidence in this court. The Village Maranabid is just about 45 miles from this place and buses are running between Hangal and Hubli and Maranabid is only 9 miles from Hangal. Now coming to the merits of the case, I find no justification for the Respondent to terminate the services of the claimant. The notice dated 2nd June 1969 given by the Respondent to the claimant is at Ex. W-1. This notice itself would show that the chairman of the Respondent Society was pressing the claimant to resign. But the claimant was not willing to resign This is clear from the reply given by the claimant Ex. W-2. The case of the Respondent that the claimant was not willing to work and was remaining absent appears to be false. On the other hand the Respondent wanted to compel the claimant to resign the job. The claimant has examined himself as WW-1. He stated that in 1968 there were Panchayat Elections in the village and the Chairman of the Society who was a candidate in the election asked the claimant to canvass on his behalf. But he refused because both the parties in that election were pressing him to canvass on their behalf. On account of this, the chairman Dyamanna Badiger bore grudge against the claimant. In the election the Chairman's party failed So the claimant some how wanted to terminate the services of the claimant and he therefore issued a false notice Ex. W-1. No charge sheet was presented to the Claimant no enquiry was held. The claimant was always willing to work and he never absented. On the other hand the Respondent wanted the claimant to resign. It was refused by the claimant The Respondent contends that the claimant was running a petty shop and he was not attending to peon's work. The claimant has stated that the petty shop is registered in the name of his mother Chinnavva and she is running that shop and he was never running that shop. I accept this statement. The licence Ex. W-3 shows that the petty shop is registered in the name of Chinnavva. Under these circumstances the order of termination of the services of the claimant is quite unjustified and dismissal has to be set aside. Hence my award.

AWARD

The order of the Respondent terminating the services of the claimant Guddappa Fakirappa Barki is hereby set aside and the Respondent is directed to reinstate him in service on the same pay and conditions of the service as before. The Respondent do further pay to the claimant back wages at the rate of Rs 50 p.m. from the date of dismissal till the date of re-instatement. The claimant will have continuity of service. There will be no order as to costs of this proceeding.

W. K. KULKARNI,
Presiding Officer,
Labour Court Hubli.

"True-Copy"

W. K. KULKARNI,
Presiding Officer,
Labour Court Hubli.

ORDER

Bangalore, dated the 8th January 1971.

S. O. 249.—WHEREAS by State Government Order No. FCL 61 LLD 69, dated 21st February 1970, the Industrial Dispute between the Workmen and the Management of Deshapranananda Prathamik Pattin Vyavasaya Sahakari Sangh Niyamit, Maravanbid, Taluka Hangal, District: Dharwar, was referred to the Labour Court, Hubli for adjudication;

AND, WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore hereby, pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No: FCL 1 LLA 71.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Govt
Food Civil Supplies and Labour Department.